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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,717	11/21/2001	Victor Wiener	101351-21	1000
21125 7590 07/07/2009 NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604				
EXAMINER ELAHEE, MD S				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 07/07/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[docket@nutter.com](mailto:docket@nutter.com)

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/990,717

**Applicant(s)**

WIENER ET AL.

**Examiner**

MD S. ELAHEE

**Art Unit**

2614

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 40-92.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

/MD S ELAHEE/  
Primary Examiner, Art Unit 2614

Continuation of 3. NOTE: Claims 70-72 and 77-88 have been amended. The added limitations of the amended claims raise new issues and would require further search.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claim 69, the applicant argues on pages 13-14, that the HOTLIST in Bateman does not include public directory data, but rather maintains a list of customers whose queries need to be answered. Moreover, there is no indication in Bateman that the outbound dialing system utilizes an Internet messaging network to access the HOTLIST. Examiner respectfully disagrees with this argument. It is because, in col.6, lines 32-35, Bateman teaches, telephone number, url are passed to dialing system 32 in Fig.1 via data net 44 [i.e., Internet messaging network]. It clearly means that an Internet messaging network is utilized to access the HOTLIST.

Regarding claim 73, the applicant argues on pages 16-17, that Bateman does not teach a customer selecting an agent. Examiner respectfully disagrees because the argument is not directed towards the claims. The claim does not recite "a customer selecting". It only recites "selecting a B party". Furthermore, the claims do not recite a particular B party or an actual party. Bateman teaches a customer which selects a help option (agent).

Regarding claims 40, 90, the applicant further argues on page 19-20, that in Sussman, in response to each user's search query, the service provider's central directory is not accessed. Examiner respectfully disagrees with this argument. In col.5, lines 48-52, Sussman teaches the limitation.

The applicant further argues on pages 21-22, that there is no reason to combine Padden with Cohn in order to arrive at the claimed subject matter. Examiner respectfully disagrees with this argument. In col.9, lines 55-57, Padden provides the suggestion that numerous other arrangements may be devised by one skilled in the art without departing from the spirit and scope of the invention.

Regarding claim 50, the applicant further argues on page 23, that there is no indication in Padden that the user's calling terminal includes a display that could be utilized to display a B party to the user (e.g., the name of a party whose directory listing the user desires). Examiner respectfully disagrees with this argument. The applicant didn't claim "name of a party whose directory listing the user desires". However, in col.5, lines 15-18, Padden teaches that display information that include the desired directory number.